

REMARKS

In this paper, claim 36 is currently amended. After entry of the above amendment, claims 36-76 are pending, and claims 1-35 have been canceled.

The applicant appreciates the allowance of claims 55-68.

Claims 36-54 were rejected under 35 U.S.C. §102(b) as being anticipated by Walter, et al (US 5,217,094). This basis for rejection is respectfully traversed.

Claim 36 has been amended to clarify that the rotating member is coupled to the reference member so that the rotational axis moves together with the reference member. Walter, et al discloses a self-adjusting, push-to-release parking brake control that includes a holding pawl (45) with an elongated slot (56) that enables the holding pawl (45) to slide and pivot on a rivet (57), wherein rivet (57) forms the rotational axis of pawl (45). Also supported by an end pin (63) of rivet (57) is a toggle lever (60) that includes an elongated curved slot (61) so that toggle lever (60) may slide and pivot on rivet (57). One leg of a toggle spring (65) is connected to holding pawl (45), and the other leg of toggle spring (65) is connected to toggle lever (60).

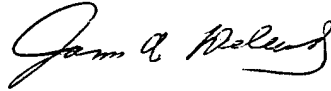
Rivet (57) is secured to a main supporting bracket (15) that is adapted to be attached by fasteners (16) to a fixed frame member (17) beneath the instrument panel of the vehicle. Thus, rivet (57), which forms the pivot axis of both holding pawl (45) (interpreted by the office action to be a rotating member) and toggle lever (60) (interpreted by the office action to be a reference member) does not move at all, and certainly not with toggle lever (reference member) (60).

Accordingly, it is believed that the rejection under 35 U.S.C. §102 has been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

TOSHIO TETSUKA, et al
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PATENT

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James A. Deland".

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